

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 76

Wednesday 26 November 2014

1. MEETING

The Assembly met at 10am. The Speaker, the Honourable Kezia Purick took the Chair.

2. PRAYERS

3. VISITORS

The Speaker advised Honourable Members of the presence in the gallery of:

1. The Intensive English Unit from Darwin High School;
2. The Palmerston Senior College Special Education Centre; and
3. Electorate Officers of Members of the Legislative Assembly.

On behalf of all Members the Speaker extended a warm welcome to the visitors.

4. QUESTIONS

- 10.02 Ms Lawrie to Chief Minister
10.04 Mr Kurrupuwu to Chief Minister
10.08 Ms Lawrie to Chief Minister
10.11 Mr Higgins to Minister for Primary Industry and Fisheries
10.17 Ms Fyles to Chief Minister
-

Withdrawal from Chamber: The Speaker ordered Ms Lawrie (Member for Karama) to withdraw from the Assembly for one hour pursuant to Standing Order 240A.

- 10.23 Mrs Finocchiaro to Chief Minister
10.26 Mr Wood to Minister for Education
10.30 Mr Tollner to Minister for Sport, Recreation and Racing
10.34 Ms Walker to Chief Minister
10.37 Mr Higgins to Minister for Community Services
10.41 Mr McCarthy to Chief Minister
10.45 Mr McCarthy to Chief Minister (supplementary question)
10.46 Mr Barrett to Minister for Health
10.50 Ms Fyles to Chief Minister
10.54 Mr Higgins to Minister for Correctional Services
10.57 Ms Lee to Chief Minister
11.00 Mrs Finocchiaro to Chief Minister

Mr Elferink (Leader of Government Business) asked that further questions be placed on the Written Question Paper.

5. ALCOHOL MANDATORY TREATMENT AMENDMENT BILL 2014 (SERIAL 107)

Mrs Lambley (Minister for Alcohol Rehabilitation), pursuant to notice, presented a Bill for an Act to amend the *Alcohol Mandatory Treatment Act*, and for related purposes.

Bill read a first time.

Mrs Lambley moved - That the Bill be now read a second time.

Debate ensued.

Paper Tabled: Mrs Lambley laid upon the Table the Explanatory Statement (Paper 1155).

On the motion of Ms Walker (Member for Nhulunbuy) debate was adjourned.

6. SUSPENSION OF STANDING ORDERS – MOTION AGREED TO

Mrs Lambley (Minister for Alcohol Rehabilitation) pursuant to notice, moved – That so much of Standing Orders be suspended as would prevent the Alcohol Mandatory Treatment Amendment Bill 2014 (Serial 107) passing through all stages this sitting.

Debate ensued.

Withdrawal from Chamber: The Speaker ordered Ms Walker (Member for Nhulunbuy) to withdraw from the Assembly for one hour pursuant to Standing Order 240A.

Debate resumed.

Question – put

The Assembly divided:

Ayes - 13	Noes - 11
Mr Barrett	Ms Anderson
Mr Chandler	Ms Fyles
Mr Conlan	Mr Gunner
Mr Elferink	Ms Lawrie
Mrs Finocchiaro	Ms Lee
Mr Giles	Mr McCarthy
Mr Higgins	Ms Manison
Mr Kurrupuwu	Ms Moss
Mrs Lambley	Mr Vowles
Mrs Price	Ms Walker
Mr Styles	Mr Wood
Mr Tollner	
Mr Westra van Holthe	

Motion agreed to.

Suspension of sittings: The sitting of the Assembly was suspended between 12 noon and 2.00pm.

7. VISITORS

The Deputy Speaker advised Honourable Members of the presence in the gallery of the Learning on Country Program from Maningrida College.

On behalf of all Members the Deputy Speaker extended a warm welcome to the visitors.

8. NOTICES

The following notices were given:

1. Mr Elferink (Minister for Children and Families) will present on the next sitting day a bill entitled – Care and Protection of Children Amendment Bill 2014 (Serial 106).
2. Mr Elferink (Attorney-General) will present on the next sitting day a bill entitled – Bail Amendment Bill 2014 (Serial 105).
3. Mr Elferink (Leader of Government Business) will move on the next sitting day - that the Assembly amends its resolution of 26 March 2014 establishing the Select Committee on

Action to Prevent Foetal Alcohol Spectrum Disorder by deleting "November" in paragraph 6 and inserting instead "February 2015".

4. Mr Giles (Chief Minister) will present on the next sitting day a bill entitled – Ports Management Bill 2014 (Serial 110).
5. Mr Giles (Chief Minister) will present on the next sitting day a bill entitled – Port of Darwin Bill 2014 (Serial 111).
6. Mr Wood (Member for Nelson) will move on the next General Business day - That the Government:
 - Negotiate with semi-commercial banana growers or hobby farmers who derive income from the sale of their bananas for some form of compensation for the loss of that income.
 - Propagate and grow, in a quarantine area using tissue culture, varieties of bananas that would be otherwise be destroyed and would not be available after the banana freckle crisis is over, so that those varieties can be regrown when the ban on growing bananas is lifted
7. Mr Wood (Member for Nelson) will move on the next General Business day - That the Government
 - does not extend the terms of local government councils beyond their present four year term
 - but instead reduces the next term of local governments to three and half years.
8. Mr Barrett (Chair of the Legal and Constitutional Affairs Committee) will move on Tuesday, 17 February 2015 – That the Legislative Assembly disallows Regulation 4N of the *Motor Accidents (Compensation) Amendment Regulations 2014*.
9. **AMENDMENT TO DARWIN RATES AMENDMENT BILL 2014 (SERIAL 72) – AMENDMENT AGREED TO**
Consideration of an amendment recommended by His Honour the Administrator.

The Assembly resolved itself into Committee of the Whole for consideration of the amendment in detail.

In Committee

Mr Higgins (Chair of Committees) took the Chair.

The Committee considered the Darwin Rates Amendment Bill 2014 (Serial 72) and amendments recommended by His Honour the Administrator.

Clause 2 read.

Mr Giles (Chief Minister) moved the following amendment to clause 2 –

Clause 2

omit

1 July 2014

insert

the day fixed by the Administrator by *Gazette* notice

Amendment agreed to.

Clause 2 as amended agreed to.

Bill to be reported with amendments.

The Assembly resumed; the Deputy Speaker took the Chair; Mr Higgins reported that the Committee had agreed to the proposed law with amendments.

The Deputy Speaker put the question - That the Report be adopted.

10. TERMINATION OF UNITS PLANS AND UNIT TITLE SCHEMES BILL 2014 (SERIAL 104) – BILL AGREED TO

Resumption of debate on the question - That the Bill be now read a second time.

Debate resumed.

Extension of Time: On the motion of Mr Wood (Member for Nelson), Mr Elferink (Member for Port Darwin) was granted an extension of time.

Debate continued.

Question - put and passed.

Bill read a second time.

The Assembly resolved itself into Committee of the Whole for consideration of the Bill in detail.

In Committee

Mr Higgins (Chair of Committees) took the Chair.

The Committee considered the Termination of Units Plans and Unit Title Schemes Bill 2014 (Serial 104).

Clause 1 to 3 taken together and agreed to.

Clause 4 read.

Mr Elferink (Attorney-General) moved the following amendment to clause 4 –

Clause 4, definition *prescribed number of days*, paragraph (b)(ii)

omit

12(1)(c)

insert

12(2)(b)(i)

Amendment agreed to.

Clause 4 as amended agreed to.

Clause 5 to 11 taken together and agreed to.

Clause 12 read.

Mr Elferink moved the following amendment to clause 12 –

Clause 12(1)(c)(ii)

omit

, accompanied by a copy of a binding accepted offer to purchase the unit

Amendment agreed to.

Mr Elferink moved the following amendment to clause 12 –

Clause 12(2)(b)

omit, insert

- (b) if the notice is given under subsection (1)(c)(ii):
- (i) the objecting owner must, within the prescribed number of days after giving the notice, provide a copy of a binding contract to purchase the objecting owner's unit to the proponent; and
 - (ii) the objecting owner must proceed with the sale as soon as practicable after providing the copy, and in any event, not later than 42 days after providing it;

Amendment agreed to.

Mr Elferink moved the following amendment to clause 12 –

Clause 12(3)

omit

subsection (2)

insert

subsection (2)(a) or (c) if applicable

Amendment agreed to.

Mr Elferink moved the following amendment to clause 12 –

After clause 12(3)

insert

- (3A) If subsection (2)(b) applies and an objecting owner does not comply with it, the proponent may apply to the Tribunal for an order for the sale of the objecting owner's unit to the proponent:
- (a) at a price fixed by the Tribunal after it has received the written report mentioned in subsection (4); and
 - (b) on the other terms and conditions ordered by the Tribunal and that comply with any requirements prescribed by regulation as mentioned in section 13(5)(a)(ii).

Amendment agreed to.

Mr Elferink moved the following amendment to clause 12 –

Clause 12(5)(b)(ii)

omit

of a unit in the development

insert

of the objecting owner's unit

Amendment agreed to.

Mr Elferink moved the following amendment to clause 12 –

Clause 12(7)

omit

entered in the record of administrative interests

insert

registered

Amendment agreed to.

Mr Elferink moved the following amendment to clause 12 –

Clause 12(8)(a)

omit

proponent

insert

body corporate

Amendment agreed to.

Mr Elferink moved the following amendment to clause 12 –

Clause 12(8)(b)

omit

all words from "enter" to "section 38"

insert

register the notice of proposed termination, and the information prescribed by regulation, in the land register kept under section 6

Amendment agreed to.

Mr Elferink moved the following amendment to clause 12 –

Clause 12(8)(c)

omit

all words after "information"

insert

are registered under paragraph (b) has the same rights and duties as the owner from whom the person has acquired the unit; and

Amendment agreed to.

Mr Elferink moved the following amendment to clause 12 –

After clause 12(8)(c)

insert

(d) the proponent must pay the body corporate, on demand, the amount of the fee that the body corporate has paid under paragraph (a)(iii).

Amendment agreed to.

Mr Elferink moved the following amendment to clause 12 –

Clause 12(9)

omit

proponent

insert

body corporate

Amendment agreed to.

Clause 12 as amended agreed to.

Clause 13 to 14 taken together and agreed to.

Clause 15 read.

Mr Elferink moved the following amendment to clause 15 –

Clause 15(a)

omit, insert

(a) a person mentioned in section 16(1) for an order in relation to the termination of a development:

(i) if the development is one in which there are fewer than 10 units; or

(ii) if the development is one to

Amendment agreed to.

Clause 15 as amended agreed to.

Clause 16 agreed to.

Clause 17 read.

Mr Elferink moved the following amendment to clause 17 –

Clause 17(2)(d)

omit

appropriate.

insert

appropriate;

Amendment agreed to.

Mr Elferink moved the following amendment to clause 17 –

After clause 17(2)(d)

insert

(e) any matter prescribed by regulation.

Amendment agreed to.

Clause 17 as amended agreed to.

Clause 18 to 28 taken together and agreed to.

Clause 29 read.

Mr Elferink moved the following amendment to clause 29 –

Clause 29(1)

omit, insert

(1) Section 54E(1)

omit

section 14, 15 or 72 of the *Unit Title Schemes Act* (the **UTS Act**),

insert

section 72 of the *Unit Title Schemes Act* (the **UTS Act**), the prescribed fee must be paid to the Registrar-General and

Amendment agreed to.

Clause 29 as amended agreed to.

Clause 30 read.

Mr Elferink moved the following amendment to clause 30 –

Clause 30, proposed section 54G(1), after "Act,"

insert

the prescribed fee must be paid to the Registrar-General, and

Amendment agreed to.

Clause 30 as amended agreed to.

Remainder of the Bill taken as a whole and agreed to.

Bill to be reported with amendments.

The Assembly resumed; the Speaker took the Chair; Mr Higgins reported that the Committee had agreed to the Bill with amendments.

The Speaker put the question - that the Report be adopted.

Motion agreed to.

On the motion of Mr Elferink, the Bill was read a third time and was passed to be a proposed law.

11. POLICE ADMINISTRATION AMENDMENT BILL 2014 (SERIAL 98) – BILL AGREED TO

Resumption of debate on the question - That the Bill be now read a second time.

Debate resumed.

Question - put and passed.

Bill read a second time.

On the motion of Mr Elferink (Attorney-General), by leave, the Bill was read a third time and was passed to be a proposed law.

General Business: The time being 5.30pm, General Business commenced.

12. GOVERNMENT ACTIONS TO RUSH THE SALE OF TIO – MOTION NOT AGREED TO

Mr Wood (Member for Nelson) pursuant to notice, moved – That this Legislative Assembly condemns the Chief Minister and the Government for their actions to rush through a sale of TIO:

- without a mandate;
- without a proper two way consultation process with Territorians;
- without going to the Public Accounts Committee;
- while being deceptive in the amount it will get from the sale of TIO;
- before public hearings are held in the Territory early next year by the Senate Inquiry into Asset Sales; and

- on the Basis of securing reward payments from the federal Governments Asset Recycling Program, which is yet to be enacted.

and that the Legislative Assembly asserts that future insurance protections for Territorians are at risk.

Debate ensued.

Extension of Time: On the motion of Mr Vowles (Member for Johnston), Mr Styles (Member for Sanderson) was granted an extension of time.

Debate continued.

Question – put

The Assembly divided:

Ayes -9

Ms Fyles
Mr Gunner
Ms Lawrie
Mr McCarthy
Ms Manison
Ms Moss
Mr Vowles
Ms Walker
Mr Wood

Noes - 14

Mr Barrett
Mr Chandler
Mr Conlan
Mr Elferink
Mrs Finocchiaro
Mr Giles
Mr Higgins
Mr Kurrupuwu
Mrs Lambley
Mrs Price
Ms Purick
Mr Styles
Mr Tollner
Mr Westra van Holthe

Motion not agreed to.

13. MINISTERIAL STATEMENT - BLUE MUD BAY FISHING AGREEMENTS – MOTION TO NOTE

Mr Westra van Holthe (Minister for Primary Industry and Fisheries) made a statement regarding the status of negotiations for access to waters affected by the High Court's Decision on Blue Mud Bay.

Paper Tabled: Mr Westra van Holthe laid upon the Table –

1. Brochure, Fishing the Daly River, Malak Malak Land and Water Management (Paper 1159), and
2. Brochure, Fishing the McArthur River and Sir Edward Pellew Islands, Lianthawirriyarra Sea Ranger Unit (Paper 1160).

Mr Westra van Holthe moved – That the Assembly take note of the Statement.

Debate ensued.

On the motion of Mr Elferink (Leader of Government Business) debate was adjourned.

14. MINISTERIAL STATEMENT – AMENDMENT TO THE WORKERS REHABILITATION AND COMPENSATION ACT – MOTION TO NOTE

Mr Elferink (Leader of Government Business), on behalf of Mr Giles (Chief Minister), made a statement regarding the Government's intention to amend the *Workers Rehabilitation and Compensation Act*.

Mr Elferink moved – That the Assembly take note of the Statement.

Debate ensued.

Paper Tabled: Mr Elferink laid upon the Table – Government Response: Review into the Northern Territory Workers Compensation Scheme, November 2014 (Paper 1161).

On the motion of Mr Elferink (Leader of Government Business) debate was adjourned.

15. PAPERS

The Deputy Speaker Tabled the following Papers –

1. Remuneration Tribunal Report, Travel Report, Member for Nhulunbuy, Ms Lynne Walker, to travel to Adelaide to meet with SA Minister for Aboriginal Affairs and Minister for Housing, Minister Zoe Bettison, between 29th August – 5th September 2014, pursuant to clause 4.12, dated 25 November 2014 (Paper 1162). .)
2. Remuneration Tribunal Report, Travel Report, Member for Barkly, Mr Gerry McCarthy, to travel to Darwin to attend Northern Australia Food Futures Conference 2014 on 3rd – 5th November 2014, pursuant to clause 4.12, dated 20 November 2014 (Paper 1163).

16. ADJOURNMENT

Mr Elferink (Leader of Government Business) moved - That the Assembly do now adjourn.

The Assembly adjourned at 11.02pm until Thursday 27 November 2014 at 10.00am.

PAPERS

The following papers were deemed to have been Tabled on 26 November 2014 -

Annual Reports 2013/2014:

Children's Commissioner Northern Territory, 2013/2014 (Paper 1156)

Northern Territory Child Deaths Review and Prevention Committee, 2013/2014 (Paper 1157)

Joint Management Plan:

Adelaide River Conservation Reserves (includes Fogg Dam, Harrison Dam, Black Jungle/Lambell's Lagoon Conservation Reserves and Melacca Swamp Conservation Area), August 2014 (Paper 1158)

ATTENDANCE

All Members attended the sittings.

MICHAEL TATHAM
Clerk of the Legislative Assembly